(3)

cf 1 to 4

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No. 1392 /2004

PETITIONER

MNR & ASRK University
L-5, Vishal Nagar, Behind Hotel
Chhattisgarh, G.E. Road,
Raipur 492006 (C.G.)
Through Vice Chancellor
Prof. K.C. Mathur
Aged about 63 years
S/O Late Shri B.R.B. Mathur
R/O L-8 Vishal Nagar, Raipur
(Chhattisgarh)

P. R. No. 1374/04
Presented by Shri Manish Upadhyay
dated 12.07.04

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through the Secretary
Department of Education
D.K.S. Bhawan, Mantralaya,
Raipur (Chhattisgarh)

2. University Grants Commission
Bhadur Shah Zafar Marg
New Delhi

3. Regulatory Commission
Constituted under the
Chhattisgarh Nizi Kshetra Vishwa
Vidyalaya (Sthapana Aur
Viniyaman) Adhiniyam, 2002 (no. 2
of 2002) C/o Secretary,

HAFIT
Government Standing Counsel
HIGH COURT

CERTIFIED COPY
Bilaspur

(2) (9)

Department of Education,
Mantrayala, D.K.S. Building,
Raipur (C.G.)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-

XI-HC-78

(189)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP(C) 1392/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.K. PATNAIK, CJ
& HON'BLE SHRI SUNIL KUAMR SINHA, J.

25.06.2005:

Heard Mr. Rahul Jha, learned counsel for the petitioner, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh and Mr. Vinay Harit, Sr. Advocate with Mr. A. Swarnkar, learned counsel for respondent No.2.

In this writ petition the petitioner has challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended.

By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist.

In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed.

Sd/-
Chief Justice
Judge

Sd/-
Sunil Kumar Sinha
Judge

Subbu